

**PUBLIC MEETING
May 11, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m.

Commissioners Derek Brown and Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Katie Jerstad, Paul Stahl, Kelly Blake, Greg McNally, Jeff Sealey, Michele Peterson, Tammy Potter, Mark Simonich, Dean Retz, Paulette DeHart, Amy Reeves, Rodger Nordahl, Dallas and Karen Cox, Todd Kuxhaus and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Acknowledgment. The Commissioners recognized the Treasurer/Clerk and Recorder's Office Paulette DeHart, Rodger Nordahl, and Amy Reeves for a Certificate of Achievement for Excellence in Financial Reporting for FY ended June 30, 2009.

Consent Action Items. (Eric Bryson)

- a. Missouri River Drug Task Force Local Drug Task Force Agreement for FY2011-FY2012. (Tammy Potter)
- b. Health Department Renewal Contract with DPHHS for the Montana Comprehensive Cancer Control (CCC) Program. Contract amount is \$130,200 for the period July 1, 2010 through June 30, 2011. (Dorothy Bradshaw)
- c. Resolution 2010-161 Declaring County Property Surplus Property (PW)
- d. Resolution 2010-162 Declaring County Property Surplus Property (PW)
- e. Resolution 2010-163 Calling for an Election on the Imposition of a Resort Tax in the Craig Resort Area. (Mona Jamison)

Mr. Bryson reported on the consent action items and recommended approval.

No public comments were received.

Commissioner Hunthausen moved approval of the consent action items and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Nelson Variance Request. The applicants have requested a variance from the setback requirements of Special Zoning District A (Colorado Gulch) for a garage located at 2115 Colorado Gulch Drive. The property is described as Lot 5 of Certificate of Survey 254866. (Applicants: Ken and Linda Nelson) (Planner: Lindsay Morgan).

Commissioner Hunthausen moved to incorporate the public record that was established by the Planning and Zoning Commission on May 5th. Commissioner Brown seconded the motion. The motion carried 3-0.

Kelly Blake reported that the regulations for Zoning District A indicate that the minimum setback from the right-of-way is 50 feet. The applicant is requesting a variance from

that specific requirement. The property is 5.9 acres in size and consists of a house and a garage. The garage was constructed in 1979 and is approximately 384 sq. ft. in size. Staff found that the requested variance meets all of the five criteria. The County Public Works Department had no concerns in regard to maintenance of Colorado Gulch Road. The Planning and Zoning Commission met on May 5 and voted to approve the proposed variance. Staff recommended approval of the requested variance.

No public comments were received.

Commissioner Brown moved to approve the variance request for the Nelson garage on Colorado Gulch. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Proposed Subsequent Minor Subdivision, Preliminary Plat (Amended Plat of Lot 5 – Tillerson Minor Subdivision). (Applicants: Dallas and Karen Cox) (Planner: Michele Peterson) The Commissioners will consider creating three lots, each for one single-family dwelling. The applicant has requested five variances: from fire protection requirements; to allow one double fronted lot; from adjacent and off-site road improvements; from providing two ingress-egress routes; and from requiring the internal access road to be paved. The subject property is generally located north of and adjacent to Tilly Court and east of and adjacent to Pioneer Park Drive.

The applicants were present and indicated their willingness to proceed.

Michele Peterson presented the staff report. The proposed development is not located within a zoning district. There are covenants on the property. Some inquiries were received but no comments in either support or opposition have been submitted.

A restrictive covenant would be placed on the property requiring property owners to utilize best management practices for grazing. The lots would be required to have a level II system on proposed Lots 5B and 5C. Proposed Lot 5A would continue to utilize their existing system because of the poor filtration that exist onsite.

Tilly Court does not meet county road standards. Tilly Court and Pioneer Park are privately maintained and are currently gravel surfaced. A no-access restriction would be placed upon Pioneer Park Drive along the western portion of proposed Lot 5A with the exception of the existing driveway. The applicant proposed utilizing the existing infrastructure of the East Valley Fire District. Implementation of a weed management plan would be required. No floodplain has been identified on the property. Fault lines lie to the northeast of the property. The subdivision is located within the transitional area identified in the Growth Policy. The cost of the development should be borne by the developer and the residents and development density would depend on the level of services that can be provided by the developer, the environmental constraints on the property, and the design standards at time of review. Conditions of approval can be generated in order for the applicants to satisfy the regulations with the exception of a variance to allow one double fronted lot. The applicant proposed a cash-in-lieu

donation instead of parkland. The applicant shall create a Rural Improvement District for maintenance of and improvements to the internal access road. Staff recommended approval of the proposed subsequent minor subdivision subject to 19 condition of approval.

Public comments -

Karen and Dallas Cox commented that they purchased this property to leave to their children.

Todd Kuxhaus, the applicants' engineer, reviewed the five variances.

No other public comments were received.

Commissioner Hunthausen moved to render a decision Tuesday, May 18 at the Commission's regularly scheduled meeting. Commissioner Brown seconded the motion. The motion carried 3-0.

Public Hearing on Amendments to the Lewis and Clark County Subdivision Regulations.
(Greg McNally)

Greg McNally reviewed the recommended amendments. The Planning Board voted unanimously to approve the proposed amendments, subject to changes to #8, 9, 36 and 38.

Public comments -

Mark Simonich, on behalf of the Helena Association of Realtors. The HAR had no substantive comments relative to the amendments. Staff accurately reflected the statutory changes in the proposed amendments.

Dean Retz, 155 All Sports Court. All of the regulations should be combined into one book.


Commissioner Brown suggested changing certain language in Chapter 11 regarding having engineering firms prequalified by the County's current statement of qualification process to, "an engineer licensed in the State of Montana."

Commissioner Hunthausen moved to render a final decision Tuesday, May 18 at the Commission's regularly scheduled public meeting. Commissioner Brown seconded the motion. The motion carried 3-0.

Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 10:21 a.m.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Michael A. Murray, Chairman

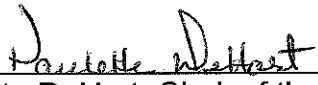


Derek Brown



Andy Hunthausen

ATTEST:



Paulette DeHart, Clerk of the Board